



PAH-106

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicant: Kjell Lindskog : Examiner: Lloyd A. Gall
: :
Title: Method And Arrangement : Group Art Unit: 3676
Related To A Value Space :
: :
Serial No. 10/512,006 :
: :
Filed: April 20, 2005 :

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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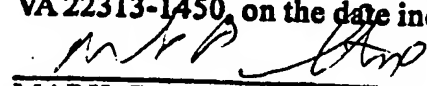
APPEAL BRIEF

I. INTRODUCTION -

This Appeal Brief is being filed in response to the Official Action dated October 3, 2007, placing the above identified patent application under final rejection.

A Notice Of Appeal was timely filed in the Patent & Trademark Office on April 4, 2008.

**I hereby certify that this correspondence is
being deposited with the United States Postal Service
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MARK P. STONE
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5/30/08
(Date of Deposit)

The appealed claims are reproduced in the attached Appendix Of Appealed Claims.

II. REAL PARTY IN INTEREST -

The real party in interest is SQS Security Qube System AB, a Swedish Corporation having its principal place of business at S-931 20 Skelleftea, Sweden, the Assignee of the entire interest in the subject patent application.

III. RELATED APPEALS AND INTERFERENCES -

Applicant, Applicant's Assignee and Applicant's legal representative are unaware of any pending appeals, interferences, or judicial proceedings which may be related to, directly affected by or be directly affected by, or have a bearing on the Board's decision in the present Appeal.

IV. STATUS OF CLAIMS -

Claims 1 - 20 are presented for review by the Board in this Appeal. Each of these claims has been rejected over the prior art. No claims have been allowed, cancelled, withdrawn or objected to at this time.

V. STATUS OF AMENDMENTS -

An Amendment After Final Rejection was filed on April 4, 2008. By Advisory Action dated April 23, 2008, the Primary Examiner refused to consider the Amendment After Final Rejection on the grounds that it raised new issues.

A Second Amendment After Final Rejection was filed on May 6, 2008. During a telephone discussion with Examiner Gall on May 29, 2008, the Examiner advised the undersigned attorney that the Second Amendment After Final Rejection would be entered for purposes of appeal if the form of Claim 15 were revised to delete the recitation "or like apparatus" from the last line of the claim, and if the Specification Amendments included in the Amendment After Final Rejection filed on April 4, 2008 were re-filed.

A Third Amendment After Final Rejection revising the form of Claim 15 as suggested by the Examiner, and re-filing the Specification Amendments from the Amendment After Final Rejection filed on April 4, 2008, was filed on May 29, 2008. Although the undersigned has not as of this date received the Advisory Action from the Examiner confirming that the amendments made in the Third Amendment After Final Rejection have been entered for purposes of appeal, the undersigned is assuming that the Amendment will be entered. Accordingly, the claims presented in the Third Amendment After Final Rejection filed on May 29, 2008

are the claims which are reproduced in the attached Appendix of Appealed Claims.

VI. SUMMARY OF CLAIMED SUBJECT MATTER -

Independent Claim 1 is directed to a method for destroying valuable documents stored within a storage space in response to an attempt to gain unauthorized access to the stored documents. (Applicant's specification, page 1, lines 3 - 10). The claimed method includes the step of storing valuable documents in a collecting device comprising a drum, designated by reference numeral 30, within a storage space designated by reference numerals 10 - 13 (Applicant's specification, page 2, lines 15 - 21; page 2, lines 28 - 33; Figs. 1 - 2 of the drawing). Valuable documents are wound on and off the drum 30 with the aid of a carrier film or foil designated by reference numerals 40, 41 (Applicant's specification, page 2, line 32 - page 3, line 4; Figs. 1 - 2 of the drawing). The drum 30 is housed at least partially within a collecting vessel designated by reference numeral 50 (Applicant's specification, page 3, lines 15 - 23; Figs. 1 - 3 of the drawing). A destructive agent container designated by reference numeral 60, which contains a destructive agent designated by reference numeral 61, is placed in fluid communication with the collecting vessel 50 (Applicant's specification, page 3, lines 25 - 30; Figs. 1 - 2 of the drawing). An alarm signal is generated in response to an unauthorized attempt gain access to the valuable documents stored

within the storage space (Applicant's specification, page 5, lines 5 - 8; Fig. 1 of the drawing illustrating an alarm designated by reference numeral 23). The destructive agent 61, within the destructive container 60, is applied to the collecting vessel 50 and on to the valuable documents wound on the drum 30 with the aid of the carrier film or foil 40, 41 in response to the generation of the alarm signal (Applicant's specification, page 5, lines 5 - 13; Figs. 1 - 2 of the drawing).

Independent Claim 6 is directed to a arrangement for destroying valuable documents stored within a storage space (Applicant's specification, page 1, lines 3 - 10). The arrangement includes a collecting device comprising a drum, designated by reference numeral 30, within a storage space designated by reference numerals 10 - 13 (Applicant's specification, page 2, lines 15 - 21; page 2, lines 28 - 33; Figs. 1 - 2 of the drawing).

The valuable documents are wound on the drum 30 with the aid of a carrier film or foil designated by reference 40, 41 (Applicant's specification, page 2, line 32 - page 3, line 4; Figs. 1 - 2 of the drawing). The drum 30 is housed, at least in part, in a collecting vessel designated by reference numeral 50 (Applicant's specification, page 3, lines 15 - 23; Figs. 1 - 3 of the drawing). A destructive agent container designated by reference numeral 60, which contains a destructive agent designated by reference numeral 61, is in fluid communication

with the collecting vessel 50 (Applicant's specification, page 3, lines 25 - 30; Figs. 1 - 2 of the drawing). The claimed arrangement includes an alarm designated by reference numeral 23, for detecting and generating an alarm signal in response to an attempted unauthorized access to the valuable documents (Applicant's specification, page 5, lines 5 - 8; Fig. 1 of the drawing). Means are provided for applying the destructive agent 61 contained within the destructive agent container 60 into the collecting vessel 50 and onto the valuable documents wound on the drum 30 in response to the alarm signal (Applicant's specification, page 5, lines 5 - 19; Fig. 1 of the drawing illustrating the alarm 23 and the processor 20 cooperating with the alarm for triggering the release of the destructive agent 61).

VII. GROUND TO BE REVIEWED ON APPEAL -

Independent method Claim 1 and independent arrangement Claim 6 have been rejected as being anticipated under 35 U.S.C. Section 102(e) by the Lundblad patent (U.S. Pat. No. 6,497,186) in the final Official Action dated October 3, 2007. Claims 1 and 6 are the only independent appealed claims.

The rejection of independent Claims 1 and 6 as being anticipated by the Lundblad patent is being presented for review on appeal. If independent Claims 1 and 6 are deemed to be allowable, the remaining appealed dependent claims will be

allowable, at least for the same reasons as their respective parent independent claims.

VIII. ARGUMENTS -

Independent Claim 1 is directed to a method for destroying valuable documents within a storage space, and independent Claim 6 is directed to an arrangement for destroying valuable documents stored within a storage space. In accordance with the methods and arrangements disclosed and claimed by Applicant, valuable documents stored in a collecting device are located within a storage space. The collecting device designated by reference numeral 30 in Figure 1 of the drawing comprises a rotatable drum, and is located within the storage compartment designated by reference numeral 11. The collecting drum 30 is received, at least in part, within a collecting vessel designated by reference numeral 50. A destructive agent container designated by reference numeral 60 which is in fluid communication with collecting vessel 50 contains a destructive agent therein. In response to an unauthorized attempt to gain access to the valuable documents stored within the storage space 11, an alarm signal is generated, which results in the application of the destructive agent into the collective vessel, and on to the collecting device containing the valuable documents for destruction of the valuable documents. The method defined by independent Claim 1 and the arrangement defined by independent Claim 6 positively recite a plurality of separate elements in a

specified arrangement including: a storage space; a collecting device comprising a drum in the storage space; a collecting vessel, receiving at least in part, the collecting device; and a destructive agent container in fluid communication with the collecting vessel.

Independent Claims 1 and 6 have been rejected under 35 U.S.C. Section 102(e) as being anticipated by the Lundblad patent (U.s. Pat. No. 6,497,186). Applicant respectfully disagrees with this basis for prior art rejection of the independent claims, and respectfully requests that the rejection be reconsidered and withdrawn.

Contrary to the methods and arrangements disclosed by Applicant and defined by independent Claims 1 and 6, the Lundblad patent does not teach or suggest the specific elements positively recited in Applicant's claims, as arranged in the claims. The Lundblad patent discloses a plurality of storage spaces, each of which includes units (11 - 16) containing valuable documents. However, Lundblad does not teach or suggest a collecting vessel in each storage space, arranged such that at least a part of the collecting device (units 11 - 16 of Lundblad) for containing valuable documents is received in the collecting vessel. Lundblad further fails to teach or suggest a destructive agent container in fluid communication with a collecting vessel to apply a destructive agent to the collecting vessel to destroy documents on the collecting device in response to a signal

indicating an unauthorized attempt to gain access to the documents within the storage compartment.

Instead of employing a destructive agent container in fluid communication with a collecting vessel which receives, in part, a collecting device for housing the valuable documents to be destroyed, the Lundblad patent discloses dye capsules, and detonation fuses for detonating the dye capsules to destroy the documents contained within the storage space in response to an unauthorized attempt to gain access to the documents within the storage compartment (See Column 2, lines 26 - 29 and Column 2, lines 35 - 37 of the Lundblad specification).

Applicant respectfully submits that the Lundblad patent does not teach or suggest the specific elements, and the specific arrangement of elements, as disclosed by Applicant and claimed by independent Claims 1 and 6. As noted above, the Lundblad patent does not teach or suggest a destructive agent container in fluid communication with a collecting vessel and a collecting device within the storage space, the collecting device being partially received within the collecting vessel.

In the final Official Action dated October 3, 2007, the Examiner contends that the elements 11 - 17 of the Lundblad patent were regarded as the collecting vessels.

Applicant respectfully disagrees with this conclusion. As expressly recited in the Lundblad specification, elements 11 - 17 are "...a plurality of units 11 - 17 which are each intended to accommodate a plurality of valuable documents..." (Column 1, lines 46 - 48 of the Lundblad specification). Thus, elements 11 - 17 of Lundblad are clearly comparable to the collecting devices disclosed and claimed by Applicant (which comprise drums for holding valuable documents), and not collecting vessels which are separate elements from the collecting devices.

In the final Official Action dated October 3, 2007, the Examiner further contends that "...nothing in the claims precludes the use of elements 11 - 17 of Lundblad as meeting the collecting vessel limitations...". Applicant also respectfully disagrees with this conclusion. As discussed above, it is clear from the express disclosure of the Lundblad specification that elements 11 - 17 are devices for holding the valuable documents (Lundblad specification, Column 1, Lines 44 - 48), and not collecting vessels for receiving a destructive agent in a destructive agent container in fluid communication with the collecting vessels. Assuming arguendo that elements 11 - 17 of Lundblad can be used as collecting vessels (a proposition with which Applicant disagrees and which is not supported by the express disclosure of the Lundblad specification), Applicant's claims nonetheless recite separate elements for the storage space, the collecting vessel, the collecting device, and the destructive agent container in fluid communication with the

collecting vessel. Thus, Lundblad clearly does not teach (or suggest) the methods and arrangements defined by independent Claims 1 and 6, when all positively recited features of these claims are considered in the patentability determination.

It is well established that a rejection of a claim as being anticipated by a prior art reference requires the Patent & Trademark Office to establish a strict identity of invention between the rejected claim and a single applied prior art reference. Stated in other words, a rejection of a claim as being anticipated by a prior art reference is inappropriate unless a single applied prior art reference discloses all features of the rejected claim, as arranged in the claim. See, for example, Connell v. Sears, Roebuck & Co., 220 USPQ 193 (Fed. Cir. 1983).

For the reasons discussed herein, Applicant respectfully submits that there is clearly no strict identity of invention between the disclosure of the Lundblad patent and both independent method Claim 1 and independent arrangement Claim 6. Each of these claims expressly recites components and steps which are not disclosed or suggested by the Lundblad patent, and also recites an arrangement of steps and components which also are not taught or suggested by the Lundblad patent. Applicant respectfully submits that when all positively recited features of independent method Claim 1 and independent arrangement Claim 6 are considered in the patentability determination and compared to

the disclosure of Lundblad in its entirety, there is clearly no strict identity of invention between the methods defined by independent Claim 1 and the arrangement defined by independent Claim 6.

Accordingly, Lundblad does not anticipate either independent method Claim 1 or arrangement Claim 6. Moreover, in view of the significant differences between the disclosure of Lundblad, as discussed herein, and the positively recited structure, structural arrangement, steps, and arrangement of steps, Lundblad clearly does not render independent Claims 1 and 6 obvious.

XI. CONCLUSION -

Applicant respectfully submits that independent Claims 1 and 6 are in condition for allowance over the prior art applied in the final Official Action dated October 3, 2007, and requests that the prior art rejection of these claims be reversed.

The remaining appealed dependent claims, which depend directly or indirectly from at least one of the independent claims and thus include all features of their respective parent independent claim, are allowable, at least for the same reasons as their respective parent independent claim.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Mark P. Stone".

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APPENDIX OF APPEALED CLAIMS

Claim 1. A method for destroying valuable documents, including bank notes, stored within a storage space in the event of an attempt to gain access to said valuable documents without proper authorization, the steps of said method including:

storing said valuable documents in a collecting device (30) comprising a drum within a storage space;

winding said valuable documents on or off said drum with the aid of a carrier film or foil (40, 41);

housing said drum (30), at least partially, within a collecting vessel (50);

providing a destructive agent container (60, 63) containing a destructive agent in fluid communication with said collecting vessel;

generating an alarm signal in response to an unauthorized attempt to access said valuable documents; and

applying said destructive agent from said destructive agent container into said collecting vessel and onto the valuable

documents wound on said drum with the aid of said carrier film or foil in response to said alarm signal.

Claim 2. A method according to Claim 1, including the step of using a volume of said destructive agent (61) that can be handled by the collecting vessel (50) in the absence of overflow.

Claim 3. A method according to Claim 1, including the step of placing the destructive agent container (60, 63) above the collecting vessel (50) so that the destructive agent (61) will run or fall down into the collecting vessel when said alarm signal is generated.

Claim 4. A method according to Claim 1, including the step of causing said destructive agent container (63) to be punctured by means of a puncturing device (64) in response to said alarm signal.

Claim 5. A method according to Claim 1, including the step of subjecting only said collecting device (30) that contains said valuable documents to said destructive agent in response to said alarm signal.

Claim 6. An arrangement for destroying valuable documents, including banknotes, stored within a storage space, said

arrangement including a collecting device within said storage space for storing said valuable documents, said collecting device comprising a drum on which said valuable documents are wound with the aid of a carrier film or foil;

a collecting vessel for housing, at least in part, said collecting device;

a destructive agent container in fluid communication with said collecting vessel;

an alarm for detecting and generating an alarm signal in response to an attempted unauthorized access to said valuable documents; and

means for applying a destructive agent contained within said destructive agent container into said collecting vessel and onto said valuable documents wound on said drum in response to said alarm signal.

Claim 7. An arrangement according to Claim 6, characterised in that said destructive agent container (60, 63) is arranged above a top opening of the collecting vessel (50).

Claim 8. An arrangement according to Claim 6, characterised in that the storage space for storing said valuable documents (100) includes said drum (30) rotatably mounted in the collecting vessel (50).

Claim 9. An arrangement according to Claim 6, characterised in that said arrangement includes an alarm-controlled puncturing means (64) that functions to release the destructive agent (61) in response to said alarm signal.

Claim 10. The use of a method according to Claim 1, characterised by applying the method in cash dispensers, depositing machines, and automatic teller machines.

Claim 11. The use of an arrangement according to Claim 6, characterised by using the arrangement in cash dispensers, depositing machines, and automatic teller machines.

Claim 12. A method according to Claim 2, including the step of placing the destructive agent container (60, 63) above the collecting vessel (50) so that the destructive agent (61) will run or fall down into the collecting vessel when said alarm signal is generated.

Claim 13. An arrangement according to Claim 7, characterised in that the storage space for storing said valuable documents (100) includes said drum (30) rotatably mounted in the collecting vessel (50).

Claim 14. The use of a method according to Claim 2, characterised by applying the method in cash dispensers, depositing machines, and automatic teller machines.

Claim 15. The use of a method according to Claim 3, characterised by applying the method in cash dispensers, depositing machines, and automatic teller machines.

Claim 16. The use of a method according to Claim 4, characterised by applying the method in cash dispensers, depositing machines, and automatic teller machines.

Claim 17. The use of a method according to Claim 5, characterised by applying the method in cash dispensers, depositing machines, and automatic teller machines.

Claim 18. The use of an arrangement according to Claim 7, characterised by using the arrangement in cash dispensers, depositing machines, and automatic teller machines.

Claim 19. The use of an arrangement according to Claim 8, characterised by using the arrangement in cash dispensers, depositing machines, and automatic teller machines.

Claim 20. The use of an arrangement according to Claim 9, characterised by using the arrangement in cash dispensers, depositing machines, and automatic teller machines.

EVIDENCE APPENDIX

None

RELATED PROCEEDINGS APPENDIX

None